



AF/3FW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

NCR Docket No. 11388.00

Application of:

HERWIG, N. C.

Group Art Unit: 2876

Serial No. 10/659,659

Examiner: Labaze, E.

Filed: September 10, 2003

For: COMPUTER PERIPHERAL WITH INTEGRATED PRINTER AND BAR
CODE READER

MS Appeal Briefs-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF TRANSMITTAL LETTER

Sir:

Transmitted herewith for filing is an Appeal Brief to the Final Rejection dated
March 20, 2006.

- ☒ Please charge Deposit Account No. 14 0225 for the Appeal Brief fee or any other
fees associated with the filing of said Appeal Brief.
- ☒ Please charge any additional fees to the account of NCR Corporation, Deposit
Account No. 14 0225.

Respectfully submitted,

Paul W. Martin
Reg. No. 34,870

NCR Corporation
Dayton, Ohio
Tel. No. (937) 445-2990
Fax No. (937) 445-6794

CERTIFICATION OF MAILING UNDER 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as
first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria,
VA 22313-1450 on 6-20-2006.

By: Karen A. Church
Name: Karen A. Church



THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No. 11388

Application of

Nathaniel Christopher Herwig et al.

Serial No. 10/659,659

Group Art Unit: 2876

Filed: September 10, 2003

Examiner: E. Labaze

For: **COMPUTER PERIPHERAL WITH INTEGRATED
PRINTER AND BAR CODE READER**

MS Appeal Brief
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**CERTIFICATE OF MAILING
(37 CFR 1.8a)**

I hereby certify that this correspondence is, on the date shown below, being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, Alexandria, VA 22313.

6-20-2006

Date

Karen A. Church

Karen A. Church

APPEAL BRIEF

Sir:

This is an appeal brief filed in response to the final action of the Examiner dated October 19, 2005, finally rejecting all of the claims in the present application.

(i) REAL PARTY IN INTEREST

The real party in interest is NCR Corporation.

06/22/2006 NNGUYEN1 00000067 140225 10659659

01 FC:1402

500.00 DA

(ii) RELATED APPEALS AND INTERFERENCES

There are no related appeals and interferences.

(iii) STATUS OF THE CLAIMS

Claims 1-8 are pending in the application.

Claims 1-8 stand rejected.

(iv) STATUS OF AMENDMENTS

Appellant did not file a Response subsequent to the Final Rejection of October 19, 2005.

(v) SUMMARY OF CLAIMED SUBJECT MATTER

Claims 1-7 relate to a computer peripheral and claim 8 relates to a transaction system including the computer peripheral.

Claims 1-7

As embodied in claims 1-7, the invention includes

1. A computer peripheral comprising:

a housing (page 3, lines 5-6; Figs. 1 and 2, reference numeral 36) for containing two normally separately housed peripherals for saving space at a checkout station (page 4, lines 15-26) including a receipt printer and a bar code reader (page 3, lines 5-6); and

control circuitry (page 3, lines 14-16) in the housing for facilitating communication of receipt data between the printer

and a separately housed controlling transaction computer at the checkout station and bar code data between the bar code reader and the separately housed controlling transaction computer over a single cable (page 4, lines 21-23) during a sale of products completed by the transaction computer (page 2, lines 28-31).

2. The peripheral of claim 1, wherein the bar code reader comprises an imaging scanner (page 3, lines 7-8).

3. The peripheral of claim 2, wherein the imaging scanner comprises a charge coupled device scanner (page 3, lines 7-8).

4. The peripheral of claim 1, wherein the bar code reader comprises a presentation scanner (page 4, lines 8-10; Fig. 2).

5. The peripheral of claim 1, wherein the housing was originally designed to only contain the printer, and wherein the bar code reader is located in a position in the housing that does not interfere with operation of the printer.

6. The peripheral of claim 1, wherein the control circuitry comprises a universal serial bus hub (page 3, line 14: Fig. 1, reference numeral 34).

7. A computer peripheral comprising:

a housing (page 3, lines 5-6; Fig. 2, reference numeral 36) for containing two normally separately housed peripherals for saving space at a checkout station (page 4, lines 15-26) including a universal serial bus receipt printer and a universal serial bus charge coupled device scanner (page 3, lines 14-15; page 3, lines 7-8; Fig. 1), wherein the scanner functions as a presentation scanner (page 4, lines 8-10; Fig. 2) and is located in a position in the housing that does not interfere with operation of the receipt printer (page 3, lines 31-32 to page 4, lines 1-2); and

a universal serial bus hub (page 3, lines 14; Fig. 1, reference numeral 34) in the housing for facilitating communication of receipt data between the printer and a separately housed controlling transaction computer at the checkout station and bar code data between the bar code reader and the separately housed controlling transaction computer over a single cable during a sale of products completed by the transaction computer (page 4, lines 15-26).

Claim 8

As embodied in claim 8, the invention includes

8. A transaction system comprising:

a controlling transaction computer at a checkout station (page 2, line 28; Fig. 1, reference numeral 12), including a

universal serial bus controller (page 3, line 14: Fig. 1, reference numeral 34); and

a computer peripheral at the checkout station and separately housed from the controlling transaction computer (Fig. 2) including

a housing (page 3, lines 5-6; Figs. 1 and 2, reference numeral 36) for containing two normally separately housed peripherals for saving space at a checkout station (page 4, lines 15-26) including a universal serial bus receipt printer and a universal serial bus charge coupled device scanner (page 3, lines 14-15; page 3, lines 7-8; Fig. 1), wherein the scanner functions as a presentation scanner (page 4, lines 8-10; Fig. 2) and is located in a position in the housing that does not interfere with operation of the receipt printer (page 3, lines 31-32 to page 4, lines 1-2); and

a universal serial bus hub (page 3, lines 14; Fig. 1, reference numeral 34) in the housing for facilitating communication of receipt data between the printer and the transaction computer and bar code data between the bar code reader and the transaction computer over a single cable between the universal serial bus hub and the universal serial bus controller during a sale of products completed by the transaction computer (page 4, lines 15-26).

(vi) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1 and 5-7 stand rejected under 35 USC 102(b) as anticipated by Coutts (6,311,165).

Claims 2-4 and 8 stand rejected under 35 USC 103(a), as unpatentable over Coutts (6,311,165) in view of Zhu (6,619,549).

(vii) ARGUMENT

Coutts (6,311,165) discloses a banking system based upon a thin-client architecture. The system includes a server and one or more ATMs. Each ATM includes peripherals necessary to its purpose, like card readers, receipt printers, and cash acceptors. The system facilitates communication to the peripherals independently of the ATM so that application and driver software may be downloaded directly from the server to the peripherals, independently of the ATM. Coutts discloses that the same thin-client concepts can be applied to retail POS transaction systems.

Zhu (6,619,549) discloses a presentation scanner with imaging capability.

The rejections of claims 1 and 5-7 under 35 U.S.C. §102(b) is improper because Coutts fails to disclose all of the elements of Appellants' claims

Anticipation under 35 USC 102(b) requires that the cited reference disclose each and every element of the claimed invention.

In the Final Rejection of October 19, 2005, the Examiner has suggested that the ATM housing can be easily extended across different environments to form a POS terminal as illustrated in Fig. 24. However, Fig. 24 is a software architecture diagram that does not disclose how peripherals at a checkout station are housed.

The Examiner has also suggested that the single connection between the server and the ATM satisfies the limitation that the claimed computer peripheral be connected to a transaction terminal through a single cable. However, the connection between an ATM and a server is not the same as the connection between a transaction terminal and a computer peripheral.

With respect to claims 1 and 5-7, Coutts fails to disclose a computer peripheral including:

- a housing for containing two normally separately housed peripherals for saving space at a checkout station including a receipt printer and a bar code reader; and

- control circuitry in the housing for facilitating communication of receipt data between the printer and a separately housed controlling transaction computer at the checkout station and bar code data between the bar code

reader and the separately housed controlling transaction computer over a single cable during a sale of products completed by the transaction computer.

With respect to claim 5, Coutts additionally fails to disclose a computer peripheral:

wherein the housing was originally designed to only contain the printer, and wherein the bar code reader is located in a position in the housing that does not interfere with operation of the printer.

With respect to claim 7, Coutts additionally fails to disclose a computer peripheral including:

a housing for containing two normally separately housed peripherals for saving space at a checkout station including a universal serial bus receipt printer and a universal serial bus charge coupled device scanner, wherein the scanner functions as a presentation scanner and is located in a position in the housing that does not interfere with operation of the receipt printer; and

a universal serial bus hub in the housing for facilitating communication of receipt data between the printer and a separately housed controlling transaction computer at the checkout station and bar code data between the bar code reader and the separately housed controlling transaction computer over a single cable during a sale of products completed by the transaction computer.

Therefore, the rejection under 35 USC 102(b) is improper.

The rejections of claims 2-4 and 8 under 35 U.S.C. §103(a) is improper because Coutts and Zhu fail to disclose all of the elements of Appellants' claims

With respect to claims 2-4, Coutts and Zhu fail to disclose a computer peripheral including:

a housing for containing two normally separately housed peripherals for saving space at a checkout station including a receipt printer and a bar code reader; and

control circuitry in the housing for facilitating communication of receipt data between the printer and a separately housed controlling transaction computer at the checkout station and bar code data between the bar code reader and the separately housed controlling transaction computer over a single cable during a sale of products completed by the transaction computer.

With respect to claim 8, Coutts fails to disclose a transaction system including:

...; and

a computer peripheral at the checkout station and separately housed from the controlling transaction computer including

a housing for containing two normally separately housed peripherals for saving space at a checkout station including a universal serial bus receipt printer and a universal serial bus charge coupled device scanner, wherein the scanner functions as a presentation scanner and is located in a position in the housing that does not interfere with operation of the receipt printer; and

a universal serial bus hub in the housing for facilitating communication of receipt data between the printer and the transaction computer and bar code data between the bar code reader and the transaction computer over a single cable between the universal serial bus hub and the universal serial bus controller during a sale of products completed by the transaction computer.

The rejections of claims 2-4 and 8 under 35 U.S.C. §103(a) is improper because one skilled in the art would not be motivated to combine the scanner of Zhu with a receipt printer into a single housing

Zhu discloses a hand-held scanner which may be placed in a base unit 211 to form a presentation scanner.

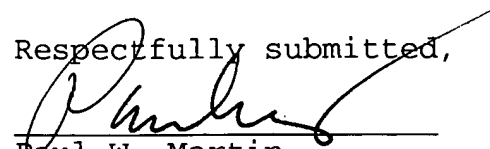
Combining the hand-held scanner of Zhu into a housing with a receipt printer would negate the hand-held function of Zhu's scanner.

CONCLUSION

Appellants respectfully submit that the Examiner has failed to establish a proper rejection under 35 USC 102(b) or 35 USC 103(a).

Appellants further submit that claims 1-8 are allowable and respectfully request that the rejection of claims 1-8 by the Examiner be reversed by the Board.

Respectfully submitted,



Paul W. Martin
Attorney for Appellants
Reg. No. 34870
(937) 445-2990

Dayton, Ohio

JUN 20 2006

(viii) CLAIMS APPENDIX

1. A computer peripheral comprising:
a housing for containing two normally separately housed peripherals for saving space at a checkout station including a receipt printer and a bar code reader; and
control circuitry in the housing for facilitating communication of receipt data between the printer and a separately housed controlling transaction computer at the checkout station and bar code data between the bar code reader and the separately housed controlling transaction computer over a single cable during a sale of products completed by the transaction computer.
2. The peripheral of claim 1, wherein the bar code reader comprises an imaging scanner.
3. The peripheral of claim 2, wherein the imaging scanner comprises a charge coupled device scanner.
4. The peripheral of claim 1, wherein the bar code reader comprises a presentation scanner.
5. The peripheral of claim 1, wherein the housing was originally designed to only contain the printer, and wherein the bar code reader is located in a position in the housing that does

not interfere with operation of the printer.

6. The peripheral of claim 1, wherein the control circuitry comprises a universal serial bus hub.

7. A computer peripheral comprising:

a housing for containing two normally separately housed peripherals for saving space at a checkout station including a universal serial bus receipt printer and a universal serial bus charge coupled device scanner, wherein the scanner functions as a presentation scanner and is located in a position in the housing that does not interfere with operation of the receipt printer; and

a universal serial bus hub in the housing for facilitating communication of receipt data between the printer and a separately housed controlling transaction computer at the checkout station and bar code data between the bar code reader and the separately housed controlling transaction computer over a single cable during a sale of products completed by the transaction computer.

8. A transaction system comprising:

a controlling transaction computer at a checkout station, including a universal serial bus controller; and

a computer peripheral at the checkout station and separately

housed from the controlling transaction computer including

a housing for containing two normally separately housed peripherals for saving space at a checkout station including a universal serial bus receipt printer and a universal serial bus charge coupled device scanner, wherein the scanner functions as a presentation scanner and is located in a position in the housing that does not interfere with operation of the receipt printer; and

a universal serial bus hub in the housing for facilitating communication of receipt data between the printer and the transaction computer and bar code data between the bar code reader and the transaction computer over a single cable between the universal serial bus hub and the universal serial bus controller during a sale of products completed by the transaction computer.

(ix) EVIDENCE APPENDIX

No evidence pursuant to §§1.130, 1.131, or 1.132 or any other evidence has been entered by the Examiner or relied upon by Appellant.

(x) RELATED PROCEEDINGS APPENDIX

There are no related decisions rendered by a court or the Board or copies of such decisions.